HUMAN RIGHTS

United Nations Workshop for the Asia-Pacific Region on Human Rights Issues

Report

Jakarta, 26-28 January 1993

UNITED NATIONS

World Campaign for Human Rights

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Centre for Human Rights
Geneva

United Nations Workshop for the Asia-Pacific Region on Human Rights Issues

Report

Jakarta, 26-28 January 1993

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CONTENTS

Page

Chairman's concluding remarks 1

Background to the Workshop 4

Opening ceremony 5

Workshop topic one: International norms and standards in the field of human rights 7

Workshop topic two: National implementation of international human rights standards 9

Workshop topic three: National institutions for the promotion and protection of human rights 11

Workshop topic four: On the possibility of promoting regional human rights arrangements/promoting interregional and intra-regional cooperation in the Asia-Pacific region 13

Workshop topic five: The World Conference on Human Rights: review and assessment of progress 16

Closing session 19

Annexes

I. Programme of the Workshop 20
II. List of experts 22
III. List of participants 23
IV. Opening address by the Under-Secretary-General for Human Rights 31

United Nations Workshop for the Asia-Pacific Region on Human Rights Issues
Jakarta, Indonesia, 26-28 January 1993

CHAIRMAN'S CONCLUDING REMARKS

For the past three days this workshop has been engaged in a frank discussion and exchange of views on a number of important human rights issues emerging from our respective national experiences. The Asia-Pacific region is one of rich political, economic, social and cultural diversity. It is both natural and appropriate, therefore, that our discussions reflect this diversity. While there were different nuances in the views expressed, it is apparent that we have reached broad understanding on several important principles relating to the subjects discussed.

While human rights principles are universal and standards have been negotiated and accepted at the international level, responsibility for the implementation of these norms primarily rests at the State level. Nevertheless, it must be recognized that procedures and machinery for implementation will vary from State to State.

The United Nations Charter was, in many ways, the very first international human rights agreement. It is interesting and instructive to note that human rights are dealt with in the Charter under the heading "International Cooperation". Accordingly, the promotion and protection of human rights should be pursued in a spirit of cooperation and mutual respect and in a non-confrontational way.

In accordance with the important principle of indivisibility, human rights issues should be approached in an objective and balanced fashion. Commitment to the principle of indivisibility will promote international cooperation and avoid unproductive confrontation. In the same way, both the individual and the collective aspects of human rights must be considered concurrently and in a balanced manner.

The international system which has been developed to monitor implementation of human rights instruments should approach its task in a creative, constructive way by focusing on both positive and negative aspects of

States' human rights performance and by according equal importance to civil and political rights and economic, social and cultural rights.

In addition, Member States and the United Nations human rights machinery should cooperate to give fuli effect to those provisions of international human rights instruments providing for technical advice and assistance if a State party requests it.

National human rights institutions have an important role to play in protecting against human rights violations, as well as developing promotional and educational activities (such as educational programmes for the general public and training programmes for law enforcement personnel, both civilian and military, and government officials) aimed at ensuring that human rights are enjoyed by everyone. National institutions should be considered in the context of the developmental process of a country. Within this context, countries wishing to create such institutions should be able to benefit from the United Nations programme of advisory services and technical assistance in the field of human rights.

Matters which should be taken into account in establishing regional mechanisms in Asia and the Pacific include the geographical complexity, diversity and vastness of the countries which form the region as well as their different historical background and levels of political stability, economic prosperity and social development. Progress has already been made at a subregional level among a number of countries and national institutions. Within this context a number of activities aimed at the protection and promotion of human rights are under way under the auspices of ASEAN regarding vulnerable groups such as women and children and the relationship between development and human rights. Discussions at regional meetings are a valuable forum to enable governments and national institutions to exchange experiences and strengthen support for the promotion and protection of human rights.

The workshop has been positive and constructive in promoting better and deeper understanding among the countries of the region. This example should be built on by other conferences and consultations, including workshops, in the Asia-Pacific region and other regions of the world. A step-by-step strategy should be adopted in establishing regional machinery for the promotion and protection of human rights. A first step could be the setting up of subregional machinery for human rights information dissemination. This could be followed, for example, by the establishing of an Asia Forum which could enhance regional exchange of ideas and experiences aimed at promoting human rights activities. The Forum could be used in order to design at a later stage machinery at subregional or regional level for the promotion and protection of human rights.

The World Conference on Human Rights to be held later this year represents a valuable opportunity to focus attention and efforts on important human rights issues including those matters which have been considered by this workshop. If the World Conference is to produce tangible results it will be important that increased resources be provided to the United Nations Centre for Human Rights to ensure that the provision of advisory services and technical assistance, particularly to developing countries which request it, can be provided.

BACKGROUND TO THE WORKSHOP

In its resolution 1992/40 of 28 February 1992, the Commission on Human Rights, recalling that a seminar on regional arrangements for promotion and protection of human rights was to have been held in Indonesia in late 1991, once again requested the Secretary-General to organize a seminar to discuss this matter in 1992.

In accordance with this resolution, a workshop for the Asia-Pacific Region on Human Rights Issues which forms the subject matter of this report was organized by the United Nations Centre for Human Rights in cooperation with the Government of the Republic of Indonesia under the Centre's programme of advisory services and technical assistance in the field of human rights.

The central objectives of the workshop were as follows:

(*a*) To increase awareness among countries of the region of international human rights standards and procedures and of the role of States in implementing human rights norms.

(*b*) To inform participants of the mechanisms which are available to assist States in fulfilling their obligations under the various international human rights instruments.

(*c*) To promote bilateral cooperation in the field of human rights between countries of the region.

(*d*) To foster the development of national human rights institutions in the region.

(*e*) To provide a forum for discussion of questions relating to the establishment of regional arrangements for protection and promotion of human rights.

(*f*) To facilitate dialogue between Asia-Pacific nations on the upcoming World Conference on Human Rights.

Additional information on specific objectives may be found in the relevant section of the present report. Annex I contains the programme of the workshop, annex II the list of experts participating in the discussions and annex III the list of participants.

OPENING CEREMONY

The United Nations Workshop for the Asia-Pacific Region on Human Rights Issues was officially opened by His Excellency, Mr. Soeharto, President of the Republic of Indonesia, at a ceremony conducted at the State Palace, Jakarta, on the morning of Tuesday, 26 January 1992.

In his opening address the President expressed the hope that the workshop would serve as an effective forum for discussion to foster an understanding of basic human rights in the Asia-Pacific region as well as in the respective countries which comprise the region. The President commented that differences in living standards had a great effect on national human rights policies and that for this reason, individual countries must, by necessity, take their own steps towards the realization of human rights for their citizens. He then went on to explain the Indonesian concept of human rights as set forth in its Constitution of 1945.

The Indonesian Minister for Foreign Affairs, Mr. Ali Alatas, also addressed the gathering as did Mr. Antoine Blanca, United Nations Under-Secretary-General for Human Rights. Mr. Blanca's address, which focused on the work of the United Nations in the field of human rights as well as the major themes of the workshop, is reproduced as Annex IV to this report.

The workshop was chaired jointly by Mr. Blanca and Mr. Wiryono, Director General of Political Affairs of the Indonesian Ministry of Foreign Affairs, who acted as co-moderators. Mr. J. L. Gomez del Prado of the United Nations Centre for Human Rights served as Secretary of the workshop.

WORKSHOP TOPIC ONE

International norms and standards in the field of human rights

Objective

The objective of the first working session was to provide an introductory overview of international human rights norms and standards and, by so doing, to lay the groundwork for future consideration of more specific topics in the field of human rights.

Presentations

The topic was introduced by **Professor Fausto Pocar** who gave a short presentation on the development of the international human rights machinery which exists to oversee the implementation of the various human rights standards promulgated by or through the United Nations system. Professor Pocar focused on some of the problems of implementation by drawing on examples from the Human Rights Committee, of which he is currently Chairman. This general overview was supplemented by **Mr. Agha Shahi**, former Chairman of the Committee on the Elimination of Racial Discrimination (CERD), who spoke of his work with the Committee within the broader context of United Nations activities in the field of human rights. Mr. Shahi drew the audience's attention to the growing problem of racial and ethnic hatred and the resulting need to strengthen United Nations machinery for dealing with these problems.

Discussion

Several representatives addressed participants on the issue of universality of human rights norms which had been raised by Professor Pocar. The discussion centred on reconciling concepts of universality with the reality of regional variations and cultural specificities. It was pointed out that international human rights standards as set out in the Universal Declaration of Human Rights are universally applicable. The question was raised as to whether the implementation of those standards could be subject to regional or national variations.

Other subjects discussed by participants and members of the panel included the concept of collective rights and the question of which individual rights had a collective dimension; the indivisibility of all human rights; the problem of ratifications and how universal ratification of the major instruments could or should be encouraged, in particular amongst States of the Asia-Pacific region which had the lowest rate of participation in United Nations human rights instruments. It was agreed that universal respect for human rights could best be achieved through mutual cooperation and assistance. Constructive dialogue in that regard could most usefully be facilitated through the process of ratification.

WORKSHOP TOPIC TWO

National implementation of international human rights standards

Objective

The issue of national implementation of international human rights standards is inextricably linked with several major themes of the workshop. The objective of topic two was, therefore, to examine and discuss the general aspects of this topic before turning to the more specific subjects of institutions and other arrangements.

Presentations

Mr. Blanca, in his capacity as co-moderator, opened the session with the important observation that international machinery, no matter how efficient, could not of itself guarantee respect for, and protection of, basic human rights. The international implementation process must be complemented by national application of those human rights standards which have been agreed upon by the world community. He pointed out that without a genuine commitment on the part of individual Governments, the international standards would never become a reality for those people they were designed to protect. That theme was further developed by **Professor Pocar** who explained that effective implementation meant much more than legislating against interference with the exercise of human rights. States must also act positively by ensuring the freedom to exercise rights through the creation of favourable conditions for their full enjoyment. This necessarily involved the provision of accessible domestic remedies to redress violations if and when they occurred.

The topic of national implementation was explored by **Mr. Shahi** within the specific context of the Convention on the Elimination of All Forms of Racial Discrimination and the Committee set up under that treaty. In his presentation, Mr. Shahi raised the problem of massive violations of human rights and the inability of existing United Nations machinery to deal with violations on that scale. He urged all present to view the upcoming World Conference as an opportunity to remedy these inadequacies.

The final presentation on this topic was delivered by **Mr. Hassan Wirajuda** who stressed the importance of adopting a more balanced approach to implementation, one which addressed the positive aspects of a particular State's human rights record as well as its failings. In this way, obstacles to the effective implementation of human rights could be identified in a constructive, non-confrontational manner. The imposition of sanctions and conditions as a response to violations might well be less effective than assisting in the creation of human rights infrastructures and thereby in the development of a climate conducive to effective implementation.

Discussion

Much of the discussion on this topic focused on the difficulties of implementing international standards and the need for assistance in that regard. Several participants referred to the programme of advisory services and technical assistance of the United Nations Centre for Human Rights. It was generally agreed that the positive, constructive process of preventing violations through promotion and education deserved equal attention to that accorded the often negative protection process.

WORKSHOP TOPIC THREE

National institutions for the promotion and protection of human rights

Objective

Issues concerning the establishment and development of national human rights institutions formed one of the central themes of the workshop as part of a broader consideration of the role of States in the implementation of international human rights standards. While national institutions for promotion and protection of human rights remained scarce in the Asia-Pacific region there were currently a number of States which had, or were in the process of setting up, such institutions. It was hoped that the presentations and discussions would provide a useful opportunity for the participants to explore this avenue carefully.

Presentations

The panel for discussion of national institutions was composed of **Mr. Brian Burdekin**, Human Rights Commissioner of Australia; **Mr. N. C. Monteiro**, Human Rights Commissioner of the Philippines, and **Ms. Margaret Mulgan**, Human Rights Commissioner of New Zealand. Each presenter gave an overview of the structure and functioning of the institution in her or his country, including the legal basis for its creation and a history of its development. Presenters then examined specific issues relating to the subject of national institutions from the perspective of their own national experiences.

The topic was considered over three sessions. The first of these was of an introductory nature in which the basic issues of jurisdiction and competence were examined. Session two was devoted to a discussion of the relations between national institutions, the State and other partners including non-governmental organizations active in the field of human rights. Issues of autonomy and independence were also raised in this context. The final session was in the form of a round-table discussion of the ways in which a national institution could become an effective instrument in protecting and promoting human rights at the domestic level.

Discussion

A number of delegations, including those of India, Indonesia, Sri Lanka and Thailand, informed the gathering of steps being taken in their respective countries towards the establishment of national human rights machinery. Other delegations used the discussion period to explain the various means by which their legal and/or administrative systems operated to protect human rights.

Participants took up a number of themes which had been raised by the experts during their presentations. The issue of independence and autonomy was discussed at some length with a number of participants expressing their view on how the impartiality of national institutions could best be secured. Suggestions included fixed terms of appointment for officers, an independent appointment procedure and guaranteed financial resources. The composition of the national institution was also agreed to be vital to ensuring its autonomy and credibility; a broadly based membership was the best way of obtaining widespread community support for the work of the institution.

The question of relations between national institutions, the State and other partners was also discussed at some length. There was general agreement that the support and assistance of non-governmental human rights organizations was vital as was an open, constructive relationship with other governmental bodies.

With regard to the structure of national institutions, all participating delegations agreed that an individual country's own situation should be considered and that no one model would be universally suitable.

There was also widespread acknowledgement of the important role which national institutions were able to play in the promotion of human rights. A number of delegations ventured the opinion that such an educative/promotionary role should be emphasized as it might well be the best or only way human rights could be effectively protected. The importance of co-operation rather than confrontation was also raised in this context.

WORKSHOP TOPIC FOUR

On the possibility of promoting regional human rights arrangements/promoting interregional and intraregional cooperation in the Asia-Pacific region

Objective

Asia-Pacific is the only United Nations-defined region without a specific human rights treaty and without some form of region-wide mechanism directed towards the promotion and protection of human rights. The absence of such a regional arrangement has been raised in a number of United Nations forums, particularly in the General Assembly (resolutions 41/153, 43/140, 45/168 and 47/125) and the Commission on Human Rights (resolutions 1988/73, 1989/50, 1990/71, 1991/28 and 1992/40).

In his opening address, the Under-Secretary-General emphasized that both national and international human rights mechanisms stood to benefit from the collaboration and support which could be provided by regional infrastructures. Inclusion of that topic in the agenda of the workshop provided the opportunity for participants to identify ways in which obstacles to the establishment of a regional system for promotion and protection of human rights could be overcome.

The theme of intraregional cooperation in the field of human rights was explored over two sessions. The first of these focused on the possibility of establishing regional machinery including consideration of the problems and prospects associated with such an initiative. The second session took a broader view of intraregional cooperation in the field of human rights by incorporating discussion of other avenues including bilateral exchange of information and practical assistance.

Presentations

Both presenters, **Ambassador Fan Gouxiang** and **Mr. T. Mulya Lubis** cautioned against ambitious plans to establish regional human rights machinery. Asia-Pacific was not a homogeneous area with respect to history, culture, language or political orientation. Models of existing regional ar-

rangements were therefore only of limited usefulness because of this lack of any unifying tradition.

Any efforts in that respect should, therefore, be realistic, taking into account the overall condition and character of the region including its problems of economic underdevelopment. An effective regional arrangement required high levels of mutual understanding between governments. It was suggested that such understanding could be fostered, at least during the early stages, by the development of subregional machinery.

On the related issue of promoting intraregional cooperation, **Professor Koji Yamazaki** presented a proposal for the establishment of regional or subregional machinery for the processing and dissemination of human rights information. This, he explained, could be the first step towards developing a forum within which intraregional cooperation on human rights issues could be fostered. Professor Yamazaki suggested that the feasibility of the proposal could be examined by way of a research project undertaken by the United Nations University.

The promotion of cooperation on human rights issues between regions was also examined. Ambassador Fan reiterated earlier comments that each United Nations-defined region was able to benefit from the knowledge and experience of the others. He urged the States of the Asia-Pacific Region to establish and maintain contacts with others and suggested that any regional machinery established in the region could be a useful vehicle for facilitating productive exchanges.

Discussion

The possibility of setting up human rights machinery on a regional level generated a high level of positive discussion with many delegations expressing their support for the idea. It was generally agreed that plans in that regard should not be too ambitious and should take into account a number of factors including the geographical complexity, diversity and vastness of the countries which form the region as well as their different historical backgrounds and levels of political stability, economic prosperity and social development. At the same time, similarities should not be ignored and there was a great deal of enthusiasm for the notion that States should seek commonality while admitting diversity and difference.

While a number of participants advanced specific proposals, the majority appeared to be satisfied with a general expression of willingness to work towards the development of human rights machinery at the regional or subregional level. Such a mechanism would not attempt to duplicate the human rights systems which have been set up in other regions of the world. Instead, delegates agreed that human rights could best be promoted through

the establishment of a forum for exchange of experiences and information. Such a forum could well prove to be the first step in an ongoing process to institutionalize human rights protection at the regional level.

WORKSHOP TOPIC FIVE

The World Conference on Human Rights: review and assessment of progress

Objective

By resolution 45/155 of December 1990, the General Assembly decided to convene a World Conference on Human Rights which is scheduled to take place in Vienna from 14 to 25 June 1993. The World Conference will provide an opportunity for the international community to review progress in the field of human rights; to identify obstacles to the full realization of such rights and ways in which these may be overcome; to examine the relationship between development and human rights; to evaluate the effectiveness of United Nations activities and mechanisms and, finally, to formulate recommendations for enhancing the effectiveness of the United Nations in the field of human rights.

As part of the preparatory process of the World Conference, regional meetings have been organized in Africa, Latin America and Asia. The first two have already been held in Tunisia and Costa Rica respectively. The Regional Meeting for Asia is scheduled for March 1993 at Bangkok. By including the topic of the World Conference on the agenda of the workshop, it was hoped that the groundwork for this meeting could be laid down and that some preliminary understanding on the concerns and expectations of the Asian States could be reached during the workshop sessions devoted to this topic.

Presentations

An explanation of the history of the World Conference, its objectives and the preparatory process to date was provided by an officer of the Centre for Human Rights. In his brief presentation on the topic, **Ambassador Fan** identified the achievements of the United Nations with regard to human rights and highlighted several of the problems facing the United Nations in that field. He stressed the importance of the preparatory meeting for Asian States in contributing to a positive achievement of the World Conference. **Mr. Shahi** echoed those remarks while emphasizing several specific issues which should be addressed at the Conference including the question of de-

velopment and human rights; the problem of funding of human rights treaty bodies; and the issue of mass violations.

According to **Mr. Burdekin**, the World Conference would be a unique forum within which States could discuss various questions surrounding the issues of national human rights institutions and regional human rights arrangements. He emphasized the indivisibility of all rights and urged participants to view the World Conference as an opportunity to identify and attempt to deal with the major human rights problems facing the world community. Mr. Burdekin pointed out that current discussions about reforming the United Nations should not be separated from the more specific question about the role of the Organization in promoting and protecting human rights. The fact that human rights was now entering the mainstream of political debate indicated the feasibility and necessity of institutional reform.

Ms. Mulgan voiced her support for including national institutions in discussions surrounding the World Conference. She stressed the importance of developing forums of communication between States involved in the establishment or strengthening of national institutions. The United Nations Centre for Human Rights should also be included, given its important role in the provision of advisory services and technical assistance in the field of human rights.

Discussion

Several main themes emerged from the discussion period which followed the presentations on this topic. A number of delegations expressed their approval of including, as a principle objective of the Conference, the issue of the relationship between democracy, development and the realization of all human rights. Specific human rights problems which should, according to a number of participants, be discussed in Vienna included terrorism, poverty and environmental degradation.

A widespread consensus emerged during the discussions that the World Conference would be most useful if it were viewed as an opportunity to discuss, in a non-confrontational way, the ways in which the international community could work together towards universal realization of human rights and fundamental freedoms. Open, frank dialogue would only be possible if the World Conference were approached in a spirit of cooperation.

One final matter raised by a number of participants concerned the position of the Centre for Human Rights. It was agreed that the Centre required considerable strengthening, particularly with respect to resources, if its important role in protection and promotion of human rights were to continue. Particular attention should be paid to enhancing the efficiency and capacity of the Centre with regard to its provision of advisory services and technical

assistance in the field of human rights. States attending the World Conference should consider those issues carefully, particularly in view of the importance of developing a coherent strategy for promoting universal acceptance of human rights.

CLOSING SESSION

The closing session was presided over by Mr. Wiryono who, in his capacity as co-Chairman of the workshop, delivered concluding remarks summing up the achievements of the workshop and reflecting the principal points of agreement reached. These remarks are reproduced in full at the beginning of this report. Mr. Wiryono's remarks were followed by statements from several delegations and experts expressing their agreement with the Chairman and their thanks to those involved in the organization of the workshop.

ANNEXES

ANNEX I

Programme of the Workshop

Tuesday, 26 January 1993

Morning

Introductory address by H.E. Mr. A. Alatas, Minister for Foreign Affairs of the Republic of Indonesia

Statement of Mr. A. Blanca, United Nations Under-Secretary-General for Human Rights

Speech by H.E. Mr. Soeharto, President of the Republic of Indonesia

Afternoon

WORKING SESSION I

Introductory overview of international norms and standards in the field of human rights

Speakers: Professor Pocar, Mr. Shahi

Discussion

WORKING SESSION II

National implementation of international human rights standards

Speakers: Professor Pocar, Mr. Shahi, Mr. Wirajuda

Discussion

Wednesday, 27 January 1993

Morning

WORKING SESSION III

Activities of national institutions for the protection and promotion of human rights

Issues of jurisdiction and competence: which rights to protect and how

Speakers: Ms. Mulgan, Mr. Monteiro, Mr. Burdekin

Discussion

WORKING SESSION IV

Relations between national institutions and the State: issues of autonomy and independence; relations between national institutions and other partners

Speakers: Mr. Burdekin, Mr. Monteiro, Ms. Mulgan

Discussion

Afternoon

WORKING SESSION V

What makes an effective national institution for protection and promotion of human rights?

Speakers: Mr. Monteiro, Ms. Mulgan, Mr. Burdekin

Discussion

WORKING SESSION VI

On the possibility of establishing regional human rights machinery: problems and prospects

Speakers: Professor Pocar, Ambassador Fan, Professor Yamazaki, Mr. Lubis

Discussion

Thursday, 28 January 1993

Morning

WORKING SESSION VII

Laying the groundwork: ways and means of facilitating inter/intra-regional cooperation in the field of human rights

Speakers: Ambassador Fan, Professor Yamazaki

Discussion

WORKING SESSION VIII

World Conference on Human Rights: review and assessment of progress made in the field of human rights

Speakers: Ambassador Fan, Mr. Shahi, Mr. Burdekin, Ms. Mulgan

United Nations Centre for Human Rights

Discussion

Afternoon

Closing of the workshop

ANNEX II

List of experts

Mr. Brian BURDEKIN	Federal Human Rights Commissioner Australia
Ambassador FAN GUOXIANG	Ministry of Foreign Affairs People's Republic of China
Mr. T. MULYA LUBIS	Director, Institute of Human Rights Studies Indonesia
Mr. N. C. MONTEIRO	Commissioner of the Philippine Commission on Human Rights Philippines
Ms. Margaret MULGAN	Human Rights Commissioner New Zealand
Professor Fausto POCAR	Chairman, Human Rights Committee Italy
Mr. Agha SHAHI	Former Chairman of the Committee on the Elimination of Racial Discrimination Pakistan
Mr. Hassan WIRAJUDA	Minister Counsellor Permanent Mission of the Republic of Indonesia to the United Nations Office at Geneva
Professor Koji YAMAZAKI	Professor of Law, University of Kagawa, Japan

ANNEX III

List of participants

CO-CHAIRMEN

Mr. Antoine BLANCA, Under-Secretary-General for Human Rights, United Nations Office at Geneva

Mr. S. WIRYONO, Director-General for Political Affairs, Department of Foreign Affairs, Republic of Indonesia

GOVERNMENTS

Afghanistan

Dr. Hakim UTMAN, Desk Officer for Human Rights, Ministry of Foreign Affairs

Australia

Dr. Lee KERR, Human Rights Section, Department of Foreign Affairs and Trade

Mr. Tony HELY, Minister, Australian Embassy, Jakarta

Mr. Peter THOMSON, Legal Adviser, Human Rights Branch, Attorney-General's Department

Mr. Allaster COX, First Secretary, Australian Embassy, Jakarta

Bangladesh

Mr. M. SAFIULLAH, Second Secretary, Embassy of Bangladesh, Jakarta

Bhutan

Mr. Kinga SINGYE, Assistant Director, Policy and Planning Division, Ministry of Foreign Affairs

Brunei Darussalam

Mr. Pengiran Haji SALEHUDDIN, Acting Director, Department of Political Affairs, Ministry of Foreign Affairs

Cambodia

Mr. Im SETHY, Ministerial Adviser, Phnom Penh

China

Mr. Yongjian JIN, Ambassador, Permanent Mission of the People's Republic of China to the United Nations Office at Geneva

Mr. Xinsheng LIU, Second Secretary, Department of International Organizations, Foreign Ministry

Fiji

Mr. Nairendra NAND, State Solicitor, Solicitor General's Office, Ministry of Foreign Affairs and Civil Aviation

India

Mr. Ajai MALHOTRA, Director (UNP), International Organizations Division, Ministry of Foreign Affairs

Indonesia

Mr. S. WIRYONO (Co-Chairman of the Workshop), Director-General for Political Affairs, Department of Foreign Affairs

Mr. Hadi WAYARABI, Director for International Organization, Department of Foreign Affairs

Mr. Hamid A. S. ATTAMIMI, Deputy Secretary, Cabinet

Mr. Saafroedin BAHAR, Senior Official of State Secretariat

Mr. Satjipto RAHARDJO, Lecturer, University of Diponegoro

Mr. Ismail SUNY, Lecturer, University of Indonesia

Ms. Miriam BUDIARDJO, Lecturer, University of Indonesia

Mr. Hassan WIRAJUDA, Minister Counsellor, Permanent Mission of the Republic of Indonesia to the United Nations Office at Geneva

Mr. T. Mulya LUBIS, Director, Institute of Human Rights Studies, Jakarta

Iran

Mr. Mohammad Ali MOTTAGHI-NEJAD, Deputy Director, Human Rights, Ministry of Foreign Affairs

Mr. Mahmood KHANI, Human Rights Department, Ministry of Foreign Affairs

Japan

Mr. Yutaka YOSHIZAWA, Director, Human Rights and Refugees Division, United Nations Bureau, Ministry of Foreign Affairs

Mr. Yukio TAKASU, Minister, Embassy of Japan, Jakarta

Mr. Yasushi TAKASE, First Secretary, Embassy of Japan, Jakarta

Democratic People's Republic of Korea

Mr. Lim Yong CHOL, Ministry of Foreign Affairs

Republic of Korea

Mr. Chong-Hoon KIM, Deputy Director, United Nations Division II, Ministry of Foreign Affairs

Mr. Woong-Ki KIM, Deputy Director, Human Rights Division, Ministry of Justice

Lao People's Democratic Republic

Mrs. Khanthalasy SAYAVONGSONE, Department of International Organizations, Ministry of Foreign Affairs

Mr. Oukham SENGKEOMIXAY, Embassy of Laos, Jakarta

Malaysia

Mr. Radzi b. ABDUL RAHMAN, International Organizations Division, Ministry of Foreign Affairs

Maldives

Mr. Abdulla SHAHID, Deputy Director International Affairs, Ministry of Foreign Affairs

Mongolia

Mr. T. S. SUHBAATAR, Director, Department of the Treaty and Legal Affairs, Ministry of External Affairs

Myanmar

Mr. U Nyi Nyi THAN, Deputy Director-General, Political Department, Ministry of Foreign Affairs

Nepal

Mr. Hari SHARMA, Senior Official, Prime Minister's Secretariat

New Zealand

Mr. David KERSEY, Counsellor, Embassy of New Zealand, Jakarta

Pakistan

Mr. Mohammed Abdul Mateen KHAN, Director (UN), Ministry of Foreign Affairs

Papua New Guinea

Mr. Ere KARIKO, Public Solicitor

Philippines

Ms. Cecila B. REBONG, Department of Foreign Affairs

Mr. Catalino R. DILEM Jr., First Secretary, Embassy of Philippines, Jakarta

Singapore

Mr. Bilahari KAUSIKAN, Director, Ministry of Foreign Affairs

Ms. Aileen TAN, Counter Officer, Ministry of Foreign Affairs

Sri Lanka

Ms. Aruni Y. DEWARAJA, Second Secretary, Permanent Mission of Sri Lanka to the United Nations Office at Geneva

Thailand

Mr. Sirisak TIYAPAN, Provincial Chief, Public Prosecutor for Central Administration, Office of the Attorney General, Ministry of Foreign Affairs

Mr. Warute SETSUWAN, First Secretary, Department of International Organizations, Ministry of Foreign Affairs

Ms. Anchalee SAIFAH, First Secretary, Royal Thai Embassy, Jakarta

Vietnam

Mrs. Hoang Bich LIEN, Department of International Affairs, Ministry for Foreign Affairs

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Embassy of Algeria

Mr. Mohammed DERHAB, Chargé d'affaires

Embassy of Austria

Mr. Herbert KROLL, Ambassador

Mr. Andreas LIST, Counsellor

Embassy of Canada

Mr. Ed WHITCOMB, Counsellor

Mr. Stanley MOORE, Counsellor

Mr. Colin STEWART, Third Secretary

Embassy of Finland

Mr. Jarno SYRJALA, Second Secretary

Embassy of France

Mr. Jean François CASABONE-MASSONNANE, First Secretary

Embassy of Germany

Dr. Andreas ZIMMER

Embassy of the Netherlands

Mr. Gerald KRAMER, Chargé d'affaires

Mr. Edward HOEKS, Counsellor

Embassy of Spain

Mr. Leopoldo STAMPH, Ambassador

Mr. Manuel MONTOBBIO, Deputy Head of Mission

Embassy of the United Kingdom

Mr. Ian DONALDSON, Second Secretary

Embassy of the United States of America

Mr. John KOENIG, Second Secretary

UNITED NATIONS

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Mr. WILLIAMS, Deputy Director of Human Rights

UNDP

Mr. C. Jan KEMP, Resident Representative, Indonesia

UNHCR

Ms. Annika LINDEN, Legal Officer, Tanjung Pinang, Indonesia

UNESCO

Mr. Jurgen HILLIG, Director
Mr. Narcisse KHOEUN, Administrative and Programme Officer
Ms. Marie SPAEY, Associate Expert for Culture

INTERGOVERNMENTAL ORGANIZATIONS

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Mr. Pichai CHUENSUKSAWADI, Assistant Director, External Relations

European Communities

Mr. Michael DRURY, Minister Counsellor

OTHER ORGANIZATIONS

International Committee of the Red Cross

Mr. Pierre PONT, Director, Jakarta Office
Mr. Christophe ZWINARZKI, Director, Hong Kong Office

Amnesty International

Dr. Geoffrey ROBINSON, Researcher

LIST OF INDONESIAN OBSERVERS

Non-governmental organizations

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Bugi Soepeno, S. H.	Indonesian lawyer
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J. Kristiadi	Centre for Strategic and International Studies
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Jusuf Wanandi	Centre for Strategic and International Studies
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Linda E. A. Lasut	ASEAN Inter-Parliamentary Organization
Lukman Harun	Moslem Solidarity Committee
Marzuki Achmad	Indonesian Labour Union
Matheus Nalle	Indonesian Labour Union
Muhamad Soedjono	Indonesian Moslem Assembly
Mulyadi Wahyono	Indonesian Buddhism Representative
Nani Yamin	LKBHIUWK
Rambun Tjajo	Indonesian Legal Aid Foundation
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Sutrisno Kusumohadi	Indonesian Red Cross
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Tubagus Haryono	Indonesian National Youth Committee
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Achdari	Government official
Achmad Thahir	Department of Foreign Affairs
Adian Silalahi	Department of Foreign Affairs
Adriana Sri Ujianti	Department of Manpower
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Ahmed Bey Sofwan	Government official
Agus Tardmizi	Department of Foreign Affairs
Albert Hasibuan	Member of Parliament
Ali Hardi Kiaidemak	Member of Parliament
Aminah	Lawyer
Amin Rianom	Department of Foreign Affairs
Andi Mattalatta	Member of Parliament

Andi M. Asrun	Indonesia University
Andre Hardjana	Scientist
Anggit Hernowo	RCTI, private television
Ani S. Santhoso	Secretary, Minister for the Role of Women
Baharudin Lopa	Department of Justice
Bambang Sulistomo	Krisnadwipayana University
Bambang Sutisna	Government official
Ben Mang Reng Say	Supreme Advisory Council
Budiman Darmosusanto	Department of Foreign Affairs
Dalindra Aman	Department of Foreign Affairs
Djamaris B. Sulaiman	Department of Foreign Affairs
Djonsarei	Department of Home Affairs
Djupri	Member of Parliament
Dwie Riawenny S.	Member of Parliament
Edhimurti Sunoko	Department of Foreign Affairs
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Gatot Tjahyono	Department of Foreign Affairs
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Harry Affendie	Ministry of Coordinator for Political and Security Affairs
Hasan Abduljalil	Ministry of Coordinator for Political and Security Affairs
Hasnan Habib	Roving Ambassador
Ishak Latuconsina	Member of Parliament
I. G. N. K. Sumantera	Department of Foreign Affairs
Ildrem Pulungan	Department of Justice
Iris Indra Murti	Member of Parliament
Jubaidi Pribadi	Pelita, Daily News
Marcel Beding	Member of Parliament
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Mochtar Kusumaatmadja	Supreme Advisory Council
Moh. Widodo Gondowardojo	Government official
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United Nations Centre for Human Rights

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Ms. Sultana MAIDEEN, Advisory Services, Technical Assistance and Information Branch

ANNEX IV

Opening address by the Under-Secretary-General for Human Rights

Your Excellency President Soeharto, Your Excellency Mr. Alatas, Minister of Foreign Affairs, Your Excellencies, Government officials, Members of the Diplomatic Corps, distinguished participants and speakers, ladies and gentlemen. It is for me a great privilege and a real pleasure to be here in Jakarta at the opening of the Asia-Pacific Workshop on Human Rights Issues. It is my firm conviction that the holding of this workshop represents an important milestone in the struggle for universal recognition of human rights and fundamental freedoms.

This workshop has been organized by the United Nations Centre for Human Rights in the context of its programme of advisory services and technical assistance. On behalf of the Centre I would like to express my sincere thanks to all those who have worked to make this event possible. To you, Mr. President, and to the people of Indonesia my most profound thanks and appreciation for the gracious reception, tremendous welcome and warm hospitality.

Your Excellencies, ladies and gentlemen,

Before addressing the major themes of this workshop, I take this occasion to speak briefly about the work of the United Nations in the field of human rights. In doing so, I hope to give you a general picture of the various means by which the Organization can assist governments and others committed to advancing human rights at the national, regional and international levels.

One of the first major achievements of the United Nations in pursuit of its human rights mandate was the adoption of the Universal Declaration of Human Rights by the General Assembly in 1948. The Assembly proclaimed the Declaration to be "a common standard of achievement for all peoples and all nations". It is now more than forty years since the adoption of the Declaration and today there exists a comprehensive body of international principles and standards touching upon almost every conceivable area of human activity.

Of course legislation cannot, of itself, constitute a sound basis for protection. There can be no doubt that without effective structures for monitoring compliance, human rights law will amount to nothing more than grand rhetoric. The principles and standards contained in the various human rights instruments have been fortified by the establishment of a complex network of implementation machinery. This network includes the Commission on Human Rights and the various human rights committees set up under the major international instruments. The United Nations is fully committed to strengthening and enhancing this machinery. Nevertheless, we cannot undertake such a task alone. A genuine commitment on the part of governments to participate fully in the implementation process is a prerequisite for its effective operation. In addition, it should be recognized that international implementation must be complemented by national application of those human rights standards which have been agreed upon by the world community. These are crucial issues and deserve the careful attention of all those present over the next few days.

Mr. President, ladies and gentlemen,

There is another element to our work: the difficult but essential task of attempting to prevent violations before they occur. Information and education are perhaps our most valuable tools in this respect. All groups and all peoples must be informed of the rights to which they are entitled and of the mechanisms which exist to enforce these rights. Those who are ignorant of their human rights will not, indeed cannot, exercise these rights.

A comprehensive approach to human rights education demands that particular attention be given to those groups which are in a unique position to affect the human rights of others. While retaining its commitment to informing the general public about human rights, the Centre for Human Rights places great emphasis on specialist education. We are currently involved in a large number of training activities and programmes for police, teachers, members of the judiciary, parliamentarians and government officials.

The Centre for Human Rights also provides other forms of assistance to governments that wish to strengthen their national institutions and infrastructures for the purpose of improving protection and promotion of human rights. Over the years we have developed and refined a wide range of mechanisms for achieving this goal. An extensive fellowship programme is conducted each year, enabling professionals working in key areas to gain first hand experience of the international human rights system. I have already mentioned training courses which are held at both the national and the regional levels and which are designed to equip specialized groups with the knowledge required to ensure that human rights are protected and promoted. These courses will soon be supplemented by a series of training manuals designed to ensure that the education process continues after formal instruction is completed.

Other vehicles for education include seminars and workshops such as the one being opened today. These gatherings provide an excellent opportunity for an exchange of views on a wide range of human rights problems and possible solutions. Over 70 regional and international seminars have been organized under the Advisory Services and Technical Assistance Programme since its inception—bringing together State officials and representatives of various governmental and non-governmental organizations in order to consider issues as diverse as apartheid, migrant workers and traditional practices affecting the health of women and children.

The Centre also provides the advisory services of experts to governments in a number of important areas including election procedure, legislative and constitutional drafting and the development of effective and accessible legal systems. Such assistance is becoming increasingly significant in this era of change and transition.

Officials of the Centre for Human Rights are here to answer any questions you may have about the programmes I have mentioned. I encourage each of the governments represented here to examine your own needs and expertise in this area and to work with the Centre in its efforts to develop practical and effective education and training programmes.

A voluntary fund for advisory services and technical assistance in the field of human rights provides additional financial support for practical works directed towards the implementation of international human rights instruments developed by the United Nations and other intergovernmental organizations. Of course, because of the fact that requests for assistance are growing in both number and complexity, the Centre does not have the resources to meet all of these requests and therefore we need the active support of member States. Without such support, the Centre's efforts in this regard will remain inadequate.

It would be seriously remiss of me to speak of the work of the United Nations in the field of human rights without making mention of the various non-governmental organizations which have been established to protect and promote human rights and fundamental freedoms. These organizations have played a seminal role in the history of the United Nations. Their faith and commitment helped to give shape to the Charter and they have, over the years, consistently provided stimulus and inspiration for both the planning and implementation of United Nations programmes and activities. Non-governmental organizations, by their very nature,

have a freedom of expression, a flexibility of action and a liberty of movement which enable them to complement our role in the protection and promotion of human rights. They deserve our support and encouragement. I welcome their presence here today. I welcome in particular the dynamism and commitment of Indonesian non-governmental organizations active in the field of human rights, and assure them that we are fully aware of the national human rights situation. The United Nations is committed to working towards resolving these issues in close consultation with the Indonesian authorities.

Mr. President, ladies and gentlemen,

I now wish to move to the specifics of the task at hand. As I explained at the beginning of my address, this event has been organized under the United Nations Programme of Advisory Services and Technical Assistance. It has been convened in order to facilitate discussion on several issues which are widely considered to be crucial to promotion of human rights and fundamental freedoms. I would like to comment briefly on each of these.

Mention has already been made of the importance of dealing with human rights issues before they give rise to violations. In many instances, this preventive approach requires recognition of the crucial role played by national governments in the realization of human rights. Human rights involve relationships among individuals and between individuals and the State. Therefore, the practical task of protecting and promoting human rights is one for which each State must inevitably be responsible. Rights can be best protected at the national level through adequate legislation, an independent judiciary, the enactment and enforcement of individual safeguards and remedies and the establishment of democratic structures. In recognition of these important truths, this workshop will be addressing, in some detail, issues concerning the creation and development of national institutions for protection and promotion of human rights.

Official human rights institutions have been set up by a large number of countries in recent years. Many nations, including several in the Asia-Pacific region, are now taking the first steps towards establishing such bodies. This trend is a positive one—a clear illustration of the willingness of certain States to guarantee real and effective protection of the human rights of their citizens. Constructive dialogue which leads to the strengthening of such institutions can only enhance the effectiveness of the international system for protection and promotion of human rights.

Both national and international human rights mechanisms are in a position to benefit from the collaboration and support which can be provided by regional infrastructures and it is with such regional arrangements that the second major theme of this workshop is concerned. Asia-Pacific is currently the only United Nations-defined region without a specific human rights treaty and without some form of region-wide human rights mechanism. The absence of such arrangements has been raised in a number of United Nations bodies including the General Assembly and the Commission on Human Rights. It is hoped that this gathering will prove an appropriate forum for the Asia-Pacific nations to identify ways in which obstacles to the establishment of a regional system for protection and promotion of human rights could be overcome.

The third and final major theme of this gathering concerns the World Conference for Human Rights which is scheduled to take place in Vienna in June of this year. I do not need to remind you of the importance of this event. It is twenty-five years since the international community convened to discuss human rights at this level. The world we are living in today is now a different place—one fraught with new, formidable dangers and promising new exciting possibilities. The objectives of the World Conference are:

To review and assess progress made in the field of human rights since the adoption of the Universal Declaration in 1948;

To identify obstacles and ways in which they may be overcome;

To examine the link between development and the enjoyment of economic, social, cultural, civil and political rights;

To examine ways to improve the implementation of human rights standards and instruments;

To evaluate the effectiveness of United Nations methods and mechanisms;

To recommend ways to ensure adequate financial and other resources for United Nations human rights activities.

This event is our chance to take stock of what has been achieved thus far. It is a chance for the international community to engage in constructive dialogue about the future of our global society. It is a chance to make a difference. The political importance of the Asia-Pacific region is beyond dispute and the countries represented here today are, collectively, in a unique position to affect the outcome of the World Conference. I urge you to think carefully, to discharge this responsibility wisely and in doing so, to demonstrate to the international community, the commitment and leadership of which you are so capable.

Mr. President, ladies and gentlemen,

It would be both foolish and short-sighted of us to close our eyes to the fact that human rights violations are occurring with frightening regularity. Indeed, not a day passes without reports reaching us in Geneva of torture, of disappearances, of summary arrests and executions, of killing of unarmed demonstrators, of gross mistreatment of ethnic groups. Vulnerable populations including migrant workers, refugees, indigenous peoples and members of cultural and religious minorities are increasingly the object of violent attack.

However, while such events remain a source of serious concern to us all, some other political developments have become a source of hope. There is now widespread recognition of the fact that human rights are the very substance of life, the foundation of peace and security as well as of economic prosperity at both the national and the international levels. In all corners of the earth we are witnessing unprecedented assertions of entitlement to fundamental human rights. These calls cannot be ignored. Today, perhaps more so than at any time in the past, the world community is in a position to strengthen significantly the international human rights system. Together we must ensure that this opportunity to effect real and lasting change is not wasted.

As Under-Secretary-General for Human Rights, let me take this opportunity personally to assure each of you of my commitment to the human rights work of the governments and organizations represented here and to confirm the United Nations eagerness to cooperate with you for the fulfilment of our common objectives. It is my sincere hope that the presentations and discussions of the next few days will provide a solid foundation upon which future efforts to promote human rights in the Asia-Pacific region will be built. A human rights meeting such as this one can only be viewed as productive and useful if it results in an improvement in the everyday human rights of the people.

Finally, allow me to express my thanks to the distinguished expert speakers who, despite busy schedules, have agreed to share with us their knowledge and experience. I also thank the representatives of governments from the Asia-Pacific region who are present here as well as the representatives of United Nations bodies and agencies and non-governmental organizations active in the field of human rights.

Mr. President, ladies and gentlemen,

Once again, I welcome you to the Asia-Pacific Workshop on Human Rights Issues. I urge you to participate actively, to discuss frankly and to take full advantage of the knowledge and expertise which is gathered here. By doing so, you will be going a long way towards ensuring the success of this important endeavour.

Thank you for your attention.

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